

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on April 4, 2016, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:01 p.m. by Chair John Klapperich.

I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM

Planning Commission members present and establishing a quorum:

- Ms. Mary Anderson, Assembly District #1
- Mr. Thomas Healy, Assembly District #2
- Mr. John Klapperich, Assembly District #3 *Chair*
- Ms. Colleen Vague, Assembly District #4
- Mr. William Kendig, Assembly District #5
- Mr. Tomas Adams, Assembly District #6
- Mr. Vern Rauchenstein, Assembly District #7

Staff in attendance:

- Mr. Alex Strawn, Development Services Manager
- Ms. Shannon Bodolay, Assistant Borough Attorney
- Mr. Eric Phillips, Community Development Director
- Mr. Macey Shapiro, Solid Waste Division Manager
- Mr. Mark Whisenhunt, Planner II
- Ms. Jessica Smith, Transportation Planner II
- Mr. Ryan Johnston, Land Management Specialist
- Ms. Mary Brodigan, Planning Commission Clerk

II. APPROVAL OF AGENDA

Chair Klapperich inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Eugene Carl Haberman, a member of the audience.

IV. CONSENT AGENDA

A. Minutes

1. March 21, 2016, regular meeting minutes

(The March 21, 2016, minutes were not available.)

A. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS

1. **Resolution 16-15**, A resolution approving a variance to allow handicap access to a ramp/deck at the Trapper Creek Inn to remain set back 15.9 feet from the Parks Highway right-of-way; 23471 S. Parks Highway; within Township 26 North, Range 5 West, Section 29, Seward Meridian. Public Hearing: April 18, 2016. (*Staff: Susan Lee, Applicant: Dooley Enterprises, LLC*)

B. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

(There were no introductions for legislative public hearings.)

Chair Klapperich read the consent agenda into the record.

Chair Klapperich inquired if there were any changes to the consent agenda.

GENERAL CONSENT: The consent agenda was approved as amended without objection.

V. COMMITTEE REPORTS

(There were no committee reports.)

VI. AGENCY/STAFF REPORTS

(There were no agency/staff reports.)

VII. LAND USE CLASSIFICATIONS

(There were no land use classifications.)

VIII. AUDIENCE PARTICIPATION (Three minutes per person.)

The following person spoke regarding concerns with a joint meeting between the Mat-Su Borough and the Municipality of Anchorage: Mr. Eugene Carl Haberman.

IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*Public Hearing not to begin before 6:15 P.M.*)

Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

- A. **Resolution 16-12**, a Conditional Use Permit (CUP) in accordance with MSB 17.30 – Conditional Use Permit for Earth Materials Extraction Activities, for the extraction of 1,300,000 cubic yards of earth material from a 20-acre site within an 80-acre parcel, located within Township 18 North, Range 2 East, Section 3, Tax Parcel B2 (18N02E03B0002), Seward Meridian. (*Staff: Mark Whisenhunt, Applicant: Gary Robles*)

Chair Klapperich read the resolution title into the record.

Chair Klapperich:

- read the memorandum regarding quasi-judicial actions into the record;
- queried commissioners to determine if any of them have a financial interest in the proposed Conditional Use Permit (CUP);
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed CUP; and
- if all commissioners are able to be impartial in a decision.

Mr. Mark Whisenhunt provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- clarification of why the berms that are documented in the site plan are located outside of proposed boundary;
- clarification of the letter of intent for the annual reclamation statement on page 95 of the packet;
- how often will the reclamation plan need to be updated; and
- how will noise from the crushing plant be mitigated.

Chair Klapperich invited the applicant to provide an overview of the application.

Mr. Gary Robles stated that he had nothing to add to Mr. Whisenhunt's staff report.

Chair Klapperich opened the public hearing.

The following persons spoke in opposition of Resolution 16-12: Mr. James Dennis; Ms. Judy Donegan; Mr. Steve Sharpe; Mr. Ronald Baird, attorney for Mr. Sharpe; Ms. Krista Maciolek; Ms. Laura Sharpe; and Ms. Patricia Rosnel.

The following person spoke regarding concerns with public process and the notification process: Mr. Eugene Carl Haberman.

Chair Klapperich invited the applicant to respond to questions and statements made by members of the audience.

Mr. Robles responded to questions and statements made by members of the audience.

Chair Klapperich invited Mr. Whisenhunt to respond to questions and concerns posed by members of the audience.

Mr. Whisenhunt responded to questions and concerns posed by members of the audience.

Commissioners questioned staff regarding:

- clarification of the hours of operation;
- whether documentation for water test wells was provided to staff;

- buffering requirements for this application;
- whether the green hashed area depicted on page 49 of the packet will remain a vegetative buffer; and
- clarification of the amount of material that will be excavated.

Mr. Alex Strawn stated that it is his understanding that the green hashed area is intended to be a vegetative border, although, the application does not specifically state this.

Ms. Shannon Bodolay, Assistant Borough Attorney, suggested that it would be prudent to add a condition to the resolution that the green hashed area depicted on the Gravel Pit Materials Extraction Project Phase View remain a buffer.

Mr. Gary Robles confirmed that it is his intent that the green hashed area will not be disturbed.

There being no one else to be heard, Chair Klapperich closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Rauchenstein moved to approve Resolution 16-12. The motion was seconded.

(The meeting recessed at 7:50 p.m., and reconvened at 7:55 p.m.)

MOTION: Commissioner Adams moved a primary amendment to strike condition number 11. The motion was seconded.

VOTE: The primary amendment passed with Commissioners Anderson and Healy in opposition.

MOTION: Commissioner Adams moved a primary amendment to add an additional condition to read "the applicant shall resolve with the Planning Department staff the need to resubmit a revised site plan that provides dimensions of project boundary and clarifies proposed vegetative buffering that includes all hatched areas outside of phased gravel extraction areas". The motion was seconded.

MOTION: Commissioner Kendig moved a secondary amendment to strike "resolve with the Planning Department staff the need to". The motion was seconded.

VOTE: The secondary amendment passed with Commissioner Anderson in opposition.

VOTE: The primary amendment passed without objection.

MOTION: Commissioner Adams moved a primary amendment to add "prior to gravel extraction activities" to the previous condition to read: "prior to extraction activities, the applicant shall resubmit a revised site plan that provides dimensions of project boundary and clarifies proposed vegetative buffering that includes all hatched areas outside of phased gravel extraction areas". The motion was seconded.

VOTE: The primary amendment passed with Commissioner Vague in opposition.

Commissioner Vague:

- opined that the amount of traffic that the proposed gravel pit will generate on Buffalo Mine Moose Creek Road will be unsustainable;
- would like to see that either the number of vehicles be restricted or that the road be upgraded to accommodate the vehicle traffic;
- referred to MSB 17.61 .090, Traffic Standards, and questioned whether a condition could be added requiring that the road be upgraded; and
- stated that she would like to change the time of operation from 7 a.m. - 8 p.m., to 8 a.m. - 6 p.m.

MOTION: Commissioner Vague moved a primary amendment to change the time of operation to 8 a.m. to 6 p.m. The motion was seconded.

VOTE: The primary amendment failed with Commissioners Vague, Rauchenstein, and Healy in favor.

Ms. Bodolay:

- stated that she has never researched as to whether the commission can require a multimillion dollar upgrade to a state road;
- concerned that this would be a challengeable condition; and
- the commission can limit the number of trucks per day.

Discussion ensued regarding:

- whether the commission should reduce the number trucks allowed per day;
- there are other gravel pit operations in the area that don't have similar restrictions; and
- would these restrictions provide an unfair competitive advantage to the other gravel pit operations.

VOTE: Commissioner Anderson moved a primary amendment to add a condition to read: "Prior to operation of an asphalt plant and/or rock crusher, the applicant shall obtain all necessary permits through the Environmental Protection Agency (EPA Air Quality Control Permit) as required by MSB 17.30.055(B)(1)". The motion was seconded.

VOTE: The primary amendment failed with Commissioners Anderson, Rauchenstein, and Healy in favor.

VOTE: The main motion passed as amended without objection.

X. PUBLIC HEARING LEGISLATIVE MATTERS

- A. **Resolution 16-17**, a resolution recommending Assembly adoption of the Louise Susitna Tyone Lakes Comprehensive Plan Update previously known as the Lake Louise Comprehensive Plan. (*Staff: Sara Jansen*)

Chair Klapperich read the resolution title into the record.

Mr. Strawn:

- stated that Ms. Sara Jansen is ill and unable to attend the meeting tonight;
- she has requested that the meeting be postponed until April 18, 2016, and has notified her planning team of this request;
- suggested that Chair Klapperich open the public hearing in case anyone is here to testify, and then continue it to the April 18th meeting; and
- noted that Ms. Jansen will provide a staff report on April 18, 2016.

Chair Klapperich opened the public hearing.

There being no one to be heard, Chair Klapperich asked for a motion to continue the public hearing to the April 18, 2016.

MOTION: Commissioner Kendig moved to continue the public hearing for Resolution 16-17 to April 18, 2016. The motion was seconded.

VOTE: The motion to continue the public hearing for Resolution 16-17 to April 18, 2016, passed without objection.

B. Resolution 16-14, a resolution recommending Assembly approval to amend Ordinance MSB 15.24.030, adopting the MSB Metropolitan Planning Organization (MPO) Self-Assessment Study. (*Staff: Jessica Smith*)

Chair Klapperich read the resolution title into the record.

Ms. Jessica Smith provided a staff report:

- staff recommended approval of the resolution.

Commissioners questioned staff regarding what the cost will be to tax payers.

Chair Klapperich opened the public hearing.

The following person spoke regarding concerns with public process: Mr. Eugene Carl Haberman.

There being no one else to be heard, Chair Klapperich closed the public hearing and discussion moved to the Planning Commission.

MOTION: Commissioner Adams moved to approve Resolution 16-14. The motion was seconded.

Commissioners Adams and Kendig stated their support for Resolution 16-14.

VOTE: The motion passed without objection.

- A. **Resolution 16-11**, a resolution recommending Assembly approval of an Interim Materials District (IMD) at the MSB Central Landfill in accordance with MSB 17.28 – Interim Materials District, for the extraction of 12,140,000 cubic yards of earth material from 260 acres within a 440-acre area, located within Township 17 North, Range 1 East, Sections 1 & 12, Tax Parcels D5, D6, A7, and B6 (17N01E12A007 & B006), Seward Meridian. (*Staff: Mark Whisenhunt, Applicant: MSB Land Management*)

Chair Klapperich read the resolution title into the record.

Mr. Mark Whisenhunt provided a staff report:

- staff recommended approval with conditions.

Commissioners questioned staff regarding whether it is the borough's intention to sell gravel.

Mr. Eric Phillips, Community Development Director, provided an overview of the project with a PowerPoint presentation.

Commissioners questioned the applicant regarding whether the borough will be competing with private gravel companies.

Chair Klapperich opened the public hearing.

The following person spoke in favor of Resolution 16-11: Mr. Macey Shapiro, MSB Solid Waste Manager.

The following persons spoke in opposition of Resolution 16-11: Mr. James Walker, provided copies of Bid # 16-078R and Central Landfill Photographs dated Spring 2016; Mr. Howard Hindin; Ms. Glynn Strabel, Mr. Ed Strabel; Ms. Nancy Dennis; Mr. James Dennis; Ms. Amy Vander Schrier; Ms. Amelie Walker; Mr. Nick Braman; Mr. Dave Bonn; and Mr. Bill Mackreth.

The following person spoke regarding concerns with the public notification process: Mr. Eugene Carl Haberman.

(The meeting recessed at 10:33 p.m., and reconvened at 10:40 p.m.)

Chair Klapperich invited the applicant to respond to questions and statements made by members of the public.

Mr. Eric Phillips responded to questions and statements made by members of the public.

Chair Klapperich invited staff to respond to questions and statements made by members of the public.

Mr. Mark Whisenhunt responded to questions and statements made by members of the public.

Commissioners questioned Mr. Phillips and staff regarding:

- will there be connectivity through the IMD between the existing trails and the new trails;

- clarification of the bidding process for purchasing gravel;
- the amount of material that will be removed over 130 years;
- concerns with the size and duration of the IMD;
- why the Application for Earth Materials Extraction on page 331 of the packet only includes information on Cells 4 through 7, and not the entire 29 cells included in the IMD;
- will there be another notification sent our prior to the IMD going to the Assembly; and
- whether a decision on the IMD should be postponed until the Application for Earth Materials Extraction can be updated to match the IMD.

MOTION: Commissioner Healy moved to postpone action and continue the public hearing on Resolution 16-11 to May 2, 2016, to allow the applicant to update the Application for Earth Materials Extraction to be consistent with the request for an IMD, and to allow for adequate re-notification to surrounding property owners. The motion was seconded.

Chair Klapperich stated that anyone that testified tonight will have an opportunity to testify again on May 2, 2016.

VOTE: The motion to postpone passed without objection.

XI. CORRESPONDENCE AND INFORMATION

(There was no correspondence and information.)

XII. UNFINISHED BUSINESS

(There was no unfinished business.)

XIII. NEW BUSINESS

(There was no new business.)

XIV. COMMISSION BUSINESS

- A. School Site Selection Committee - PC Representative 2 (*Postponed from March 7, and March 21, 2016*)

Ms. Brodigan:

- reminded the commission that they had been unable to fill the Planning Commission Representative 2 position on the School Site Selection Committee (SSSC) for the past couple of years;
- stated that Commissioner Kendig had volunteered to fill the Representative 2 position and was approved by the commission at the January 5, 2015, meeting;
- noted that his name had not been forwarded to Mayor DeVilbiss, and that the error wasn't found until recently since the SSSC didn't meet in 2015;
- stated that Mayor Halter has requested that Commissioner Vague apply for the

- Representative 2 position; and
- requested that the chair ask for volunteers and the commission select a new Representative 2.

Commissioner Vague:

- stated that at the time she was asked to be on the SSSC she was unaware that Commissioner Kendig had already volunteered; and
- she would like to rescind her request to be the second representative.

Commissioner Adams:

- noted that the committee has been inactive for almost three years and he does not know how active they will be over the next eight months which is when he will term out;
- Commissioner Vague is at the beginning of her term, and Commissioner Kendig still has some time before he will term out;
- stated that he is willing to concede his position on the SSSC contingent upon both Commissioners Vague and Kendig having a sincere interest to participate; and
- asked Commissioner Vague for her commitment.

Commissioner Vague stated that she accepted Commissioner Adams offer to resign and is committed to participating on the SSSC.

Commissioner Adams stated that he wished to resign from the SSSC.

MOTION: Commissioner Anderson nominated Commissioners Kendig and Vague to be the Planning Commission Representative 1 and 2 on the School Site Selection Committee. The motion was seconded.

VOTE: The motion passed without objection.

B. Upcoming Planning Commission Agenda Items (*Staff: Alex Strawn*)

Mr. Strawn provided a brief update on projects that will be coming before the Planning Commission.

XV. DIRECTOR AND COMMISSIONER COMMENTS

Commissioner Vague:

- stated that she finds it difficult to make plans that go out five and six generations;
- believes that her fellow commissioners share her concerns;
- requested that staff take this into consideration when they bring applications before the commission; and
- stated that she really appreciates the work and thoroughness of staff.

Commissioner Healy echoed Commissioner Vague in terms of appreciating the work of staff, and specifically mentioned Mr. Whisenhunt.

Commissioner Adams referenced a comment by a member of the audience and said that he apparently shared his opinion too much tonight.

Mr. Strawn:

- stated that we have a new Platting Officer, Fred Wagner, who is replacing Paul Hulbert; and
- opined that it will be good to have fresh eyes on the position and the platting process.

Chair Klapperich:

- stated that from now on, the minutes will reflect less that “Klapperich opined this and Klapperich opined that”;
- is asking for divine intervention for greater humility in his heart and the words that he chooses to use so that people understand that he really does appreciate them; and
- will try and be better.

XVI. ADJOURNMENT

The regular meeting adjourned at 11:48 p.m.



JOHN KLAPPERICH, Planning Commission
Chair

ATTEST:



MARY BRODIGAN, Planning Commission
Clerk

Minutes approved: April 18, 2016